

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

JESIKA BRODISKI and PETER
HAYWARD, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

CAPITAL ONE FINANCIAL
CORPORATION, WIKIBUY LLC, and
WIKIBUY HOLDINGS LLC,

Defendants.

Case No. 1:25-cv-00023

BRIAN MOSES and CLEARVISION
MEDIA, INC., on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

CAPITAL ONE FINANCIAL
CORPORATION, WIKIBUY LLC, and
WIKIBUY HOLDINGS LLC,

Defendants.

Case No. 1:25-cv-00039

SHONNA COLEMAN, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

CAPITAL ONE FINANCIAL
CORPORATION, WIKIBUY LLC, and
WIKIBUY HOLDINGS LLC,

Defendants.

Case No. 1:25-cv-00060

STORM PRODUCTIONS LLC, on behalf
of itself and all others similarly situated,

Plaintiffs,

v.

CAPITAL ONE FINANCIAL
CORPORATION, WIKIBUY LLC, and
WIKIBUY HOLDINGS LLC,

Defendants.

Case No. 1:25-cv-00102

**DEFENDANTS’ PARTIAL OPPOSITION TO PLAINTIFFS’ JOINT MOTION
FOR ORDER GRANTING TRANSFER AND CONSOLIDATION AND SETTING
DEADLINES FOR APPOINTMENT OF INTERIM COUNSEL**

Plaintiffs’ Memorandum correctly notes that Defendants Capital One Financial Corporation, Wikibuy LLC, and Wikibuy Holdings LLC (collectively “Defendants”) do not oppose consolidation of these cases (and any other related actions) and do not oppose an order directing Plaintiffs in any such consolidated cases to file a consolidated amended complaint. *See, e.g., Brodiski v. Capital One Financial Corp.*, 1:25-cv-23, ECF No. 10 at 8. Defendants have agreed to waive service in each of these cases, and their first response to the complaints in these cases is due on March 14, 2025. Defendants intend to respond to the complaints by filing motions to dismiss, and it is more efficient for the parties and the Court if Plaintiffs file a consolidated amended complaint and Defendants file a single motion to dismiss in response.

Defendants object, however, to Plaintiffs’ request that this Court trigger a deadline for Plaintiffs to file their consolidated amended complaint off a ruling on Plaintiffs’ anticipated motion to appoint interim class counsel. The appointment of interim class counsel is premature and unnecessary at this point, and Plaintiffs offer no explanation why such a motion needs to be resolved at this juncture—much less why interim class counsel needs to be appointed before

Plaintiffs file a consolidated amended complaint. Indeed, how the Court rules on Defendants' forthcoming motion to dismiss may affect which Plaintiffs and claims, if any, will move forward.

Plaintiffs style their motion as a "Joint Motion," indicating they and their counsel are already cooperating. They do not identify any disputes among themselves that would necessitate the appointment of interim class counsel or a leadership structure at this stage. Presumably, given Plaintiffs' admission that the complaints are already "substantively identical" and "assert nearly identical claims," they can cooperate in filing the consolidated amended complaint they have already agreed among themselves to file. As a result, there is no reason to predicate the deadline to file a consolidated amended complaint on the Court's resolution of a motion to appoint interim class counsel, and such a motion imposes unnecessary burdens on the Court at the outset of the case.

Defendants instead respectfully request that this Court enter an order (1) transferring and consolidating these four cases (and any other cases that may be filed in this Court involving similar allegations) into the *Brodiski* docket and (2) directing Plaintiffs in these consolidated cases to file a consolidated amended complaint within 45 days of that consolidation order.

DATED: January 24, 2025

Respectfully submitted,

By: s/ Connor Kelley

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LLC*

**Application for PHV forthcoming*

CERTIFICATE OF SERVICE

I hereby certificate that on January 24, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send notification of such filing (NEF) to all counsel of record.

By: /s/ Connor Kelley
Connor Kelley